

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TONJA FENTON,

Plaintiffs,

-against-

**COMMISSIONER ANNUCCI;
SUPERINTENDENT SQUIRES; DEPT. OF
CORRECTIONS AND COMMUNITY;
SUPERINTENDENT JOSEPH
Defendants.**

18-CV-10985 (ALC)

OPINION AND ORDER

ANDREW L. CARTER, JR., United States District Judge

Plaintiff, currently incarcerated in the Albion Correctional Facility, brings this action alleging that the defendants have violated her constitutional rights and committed other violations. Plaintiff sues the Commissioner of the New York State Department of Corrections and Community Supervision (“DOCCS”) (Defendant Annucci), the Superintendent of Albion (Defendant Squires), “Dept. of Corrections and Community,” or rather, DOCCS itself, and the Superintendent of the Bedford Hills Correctional Facility (Defendant Joseph). Plaintiff seeks immediate and permanent injunctive relief, declaratory relief, and monetary damages. The Court construes the complaint as asserting claims under 42 U.S.C. § 1983. By order dated December 21, 2018, the Court granted Plaintiff’s request to proceed without prepayment of fees, that is, in forma pauperis (“IFP”).

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service. *See Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the Court must order the Marshals

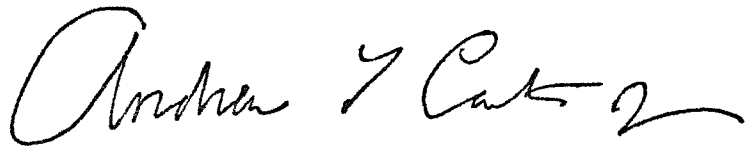
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Service to serve if the plaintiff is authorized to proceed IFP). However, current circumstances prevent the U.S. Marshals Service from effectuating service on Defendants. The Court orders the New York Civil Liberties Union, Plaintiff's counsel in the related case *Peoples v. Annucci*, No. 11-CV-2694 (ALC), to effectuate service upon Defendants on or before January 25, 2019. Fed. R. Civ. P. 4(c)¹

SO ORDERED.

Dated: January 24, 2019

New York, New York



ANDREW L. CARTER, JR.

United States District Judge

¹ **DEFENDANTS AND SERVICE ADDRESSES:**

1. Commissioner Annucci
New York State Department of Corrections and Community Supervision
1220 Washington Avenue
Albany, New York 12226
2. Superintendent Squires
Albion Correctional Facility
3595 State School Road
Albion, New York 14411-9399
3. Superintendent Joseph
Bedford Hills Correctional Facility
247 Harris Road
Bedford Hills, New York 10507-2400